

Appendix 1.A History of the McKinney-Vento Act

1987	1990	1994	2000	2001-2002
Stewart B. McKinney Homeless Assistance Act signed into law.	McKinney Act amended.	Education subtitle of McKinney Act included in Improving America's Schools Act (IASA).	Name of law changed to McKinney-Vento Act.	Reauthorized as part of No Child Left Behind Act of 2001; signed into law in January, 2002.
Required states to review & revise residency requirements for enrollment of homeless children and youth.	Required removal of enrollment barriers. Access to & success in school set as goal. Allowed educational services with McKinney funds.	Added preschool services, greater parental input, and emphasis on interagency collaboration.	Name of law changed to honor former legislator.	Strengthened requirements to provide access & success; required local liaison in all LEAs.

In 1987, Congress passed legislation to address growing concerns about the plight of individuals experiencing homelessness. This law contained emergency relief provisions for shelter, food, mobile health care, and transitional housing. At the time, the homeless population was increasing rapidly, and there were early indications of changing demographics, with women and children representing a growing portion of the homeless population. Recognizing the growing diversity within the homeless population, Congress included a subtitle in the Act requiring states to ensure that all children experiencing homelessness have the same rights to a free and appropriate public education as housed children. Adopted provisions required states to review and undertake steps to revise residency requirements for school attendance in order to ensure that homeless children do not experience delays with school enrollment. After the death of its chief Republican sponsor, Stewart B. McKinney of Connecticut, the

original law was renamed the Stewart B. McKinney Homeless Assistance Act (P.L. 100-77). President Ronald Regan signed it into law on July 22, 1987.

To help meet the new requirements, states received funds to establish or designate an office of coordination for the education of homeless children and youth. In addition to its other mandates, the law gave State Coordinators the authority to gather data on homeless children in the state and develop a state plan providing for their education. These provisions sought to give states the ability to better understand the challenges facing homeless students and increase responsibility for ensuring homeless children were not denied access to free and appropriate public educations.

In 1990, educational opportunities for the nation's homeless children and youth were further enhanced. Provided with new information and data collected by State Coordinators that revealed homeless children encountered significant obstacles in obtaining free and appropriate educational services, Congress amended the McKinney Act. The amendment (P.L. 101-645) reflected increased intolerance for any barrier that prohibited the enrollment of homeless children and youth along with a recognition that the true challenge was not simply to enroll homeless children, but to promote their academic success in public school.

Specifically, the 1990 amendments required State Coordinators for homeless education to look beyond residency issues toward other potential barriers that kept homeless children and youth out of school. As a result, states were required to review and revise all policies, practices, laws, and regulations that might act as barriers to the enrollment, attendance, and success of homeless children and youth. In addition, states were responsible for assuming a leadership role in ensuring that local educational agencies (LEAs) review and revise policies and procedures that might impede the access of homeless children and youth to a free and appropriate public education.

To promote the academic success of homeless students, the reauthorization provided for direct educational services. Prior to passage of the 1990 amendments, states were prohibited from using McKinney funds to provide such services. To meet this expanded role, appropriations were increased significantly from 1987 levels. Today, school districts that apply for and receive McKinney-Vento subgrants may use the funds to provide before- and after-school programs, tutoring, referrals for medical and mental health services, preschool programs, parent education, counseling, social work

services, transportation, and other services that may not otherwise have been provided by the public school program.

During its next amendment, the education subtitle of the McKinney Act was incorporated into the Improving America's Schools Act (IASA, Section 323 of P.L. 103-382), the 1994 reauthorization of the Elementary and Secondary Education Act, which contains many other education programs, such as Title I and Migrant Education. As part of IASA, the McKinney Act increased legal protections for homeless children and youth to ensure greater access to the appropriate education services provided under federal, state, and local law. Under the new amendments, states were authorized to extend services funded by the McKinney Act to preschool children. Additionally, categorical spending limits within the law were removed, giving LEAs with McKinney subgrants greater flexibility in developing programs to meet the educational, social, and health needs of homeless children and youth. The law stated that a homeless child may be enrolled in the school of origin (the school attended before becoming homeless or the school in which the student was last enrolled) or the school attended by other students residing in the area where the student resided temporarily. The revisions to the law placed greater emphasis on the role of parents, charging states with the responsibility of ensuring that school districts abide by a parent or guardian's preference, to the extent feasible, when making enrollment decisions. Finally, the Act strengthened provisions requiring interagency coordination and collaboration between state and local educational agencies and other agencies and organizations that provide services to homeless people.

Bruce Vento, a Democrat from Minnesota who had been one of the original sponsors of the federal legislation and one of its strongest proponents, died in October of 2000. Later that same month, Congress put forward an amendment to the law that renamed it to honor Congressman Vento in addition to Congressman McKinney. President Clinton signed it before the month ended and the law became what we know it as today, the McKinney-Vento Homeless Assistance Act.

Congress reauthorized the education subtitle of the McKinney-Vento Act again in 2001 as a part of the No Child Left Behind Act and President George W. Bush signed it on January 8, 2002. National statistics at the time showed that over one million children and youth were likely to experience homelessness in a given year and that extreme poverty, coupled with high mobility and loss of housing, placed these children at great risk for

educational challenges. As a result of the data, additional supports were incorporated into the law. Changes included a shift in focusing primarily on LEAs that received subgrants to a requirement for State Coordinators to strengthen support to all school districts by coordinating with local liaisons to ensure accountability, greater flexibility to use McKinney-Vento funds, and increases in funding. The reauthorization strengthened the policy that homeless students should be integrated with their housed peers by explicitly prohibiting the segregation of homeless students through the creation of new separate schools or separate programs within schools and by requiring the State Coordinators to provide technical assistance to promptly integrate homeless children and youth attending separate schools and programs into schools and programs serving non-homeless students. The newest version of the law clarified who is considered homeless by describing specific situations that qualified students as homeless, beyond the more general requirement of lacking fixed, regular, and adequate nighttime residence. Prior to the amendments passed at the beginning of the millennium, educators were dependent upon descriptions found in the U.S. Department of Education's Preliminary Guidance (1995).

It is important to note that the federal law regulating the education of homeless children and youth is a subtitle of the larger McKinney-Vento Homeless Assistance Act originally enacted in 1987. The larger, more comprehensive law, of which EHCY is a part, originally contained 15 programs designed to address the needs of homeless persons, as noted earlier. The 1990 reauthorization of the McKinney-Vento Act marked the last time the EHCY subtitle and the other programs for homeless persons authorized by the law were reauthorized at the same time. The other programs addressed by the McKinney-Vento Act, including federal shelter programs, continued to evolve over time as well, with their most recent reauthorization taking place as a part of the HEARTH Act of 2009. More information about those programs can be found online at <http://www.hudhre.info/hearth/>. Additionally, while the McKinney-Vento Act provides the core mandates for the public education of homeless children and youth, several other federal laws have been amended over time to reflect those core mandates. Examples include the Individuals with Disabilities Education Act, the Head Start Act, and the College Cost Reduction and Access Act. More information on those laws can be found in Chapter 16 Related Legislation.